customer selection criteria with the offer parameters; and providing a result indicating the effectiveness of the new initiative. The Examiner admitted, however, that Day et al. do not disclose determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests. But the Examiner relied on Simons et al. to teach that feature.

The present invention as recited in claim 1 recites a method for creating a marketing initiative comprising the steps, performed by a processor, of: inputting offer parameters for a new initiative, including an initiative time period and an initiative description; associating customer selection criteria with the offer parameters; determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative.

Applicants respectfully submit that Day et al. do not disclose or suggest this claimed combination of steps. Among other things, the reference does not disclose or suggest determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative.

Day et al. disclose a system that presents customized special offers to a customer, including targeted offers to a customer selected from a plurality of customers (abstract). When targeted special offers are set up, manufacturers provide targeted offer targeting parameters in the form of criteria a customer must meet in order to be

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eligible for a particular targeted offer (col. 7, lines 13-18). The system further comprises means for generating a report of the effectiveness of special offers in causing customers to purchase products (col. 8, lines 8-12). Specifically, Day et al. mention that a manufacturer may want to know whether a targeted special offer increased their sales (col. 8, lines 12-14).

In contrast, systems and methods consistent with the present invention determine a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests and provide a result indicating the effectiveness of the new initiative. The effectiveness disclosed by the present application is tied to the hit rates of past initiatives with past sales requests. In other words, the stored statistics measure how often a past initiative is selected as being particularly relevant to past sales requests. More specifically, hit rates are concerned with the particular characteristics of past initiatives. Such characteristics are information associated with initiatives that may enable the initiatives to be retrieved when a customer makes a request that includes at least some of the characteristics.

The system of Day et al., on the other hand, makes no mention of determining the likelihood that a new initiative will be effective using statistics reflecting hit rates as described above. In fact, Day et al. do not determine the likelihood that a new initiative will be effective at all. Day et al. are completely silent on determining a likelihood that a new initiative will be effective using hit rates as presently claimed. Accordingly, Day et

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al. do not disclose, teach, or suggest determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative. Moreover, the Examiner admitted that Day et al. do not teach this feature.

The Simons et al. reference is insufficient to make up for the deficiencies of Day et al. Simons et al. teach a system in which coupon redemption data can be analyzed. A direct market retailer or retail client can create coupons for specific products (col. 4, lines 40-43). These coupons can then be sent to a group of potential consumers based on selected criteria (col. 4, lines 43-48). The system includes a neural network that can conduct statistical analysis of consumer variables from a coupon data redemption point to predict consumer behavior (col. 3, lines 57-60). As a result a database can generate coupons for consumers that are more likely to be used (col. 3, lines 60-61).

In contrast, systems and method consistent with the present invention determine a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests. The statistics used to determine the effectiveness of a new initiative is tied to hit rates based on characteristics of past initiatives with past sales requests. For example, a customer may submit a request to purchase, to receive information about, or that otherwise relates to a retail product, plane tickets, travel service, real estate, rental car, etc. One or more initiatives stored in a database may be selected from the database for possible

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presentation to the consumer based on characteristics extracted from the request and characteristics associated with the initiatives. When an initiative is selected, that selection is considered a hit. Information on how often an initiative is selected may be saved for later use in determining the likelihood of effectiveness of a new initiative. Accordingly, this information (e.g., hit rate) relates to how often an initiative is found as being relevant to sales requests from customers.

Simons et al., on the other hand, base statistical analysis on how often a consumer redeems a given coupon. Nothing in the Simons et al. reference is analogous to determining a likelihood that a new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests. Coupon redemption is more analogous to a customer in the present invention making a purchase based on an initiative that has been presented to the customer. Coupon redemption, however, is not related to how often an initiative is found as being relevant to sales requests from customers. Accordingly, neither Simons et al. nor a combination of Simons et al. and Day et al. disclose, teach, or suggest determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over Day et al. and Simons et al. Because claims 10, 18, 21 and 24 include some limitations similar to those of claim 1, Applicants further submit that claims 10, 18, 21

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and 24 are patentable over Day et al. and Simons et al. for at least the reasons given with respect to claim 1.

The dependent claims 2-9, 11-17, 19-20 and 22-23 are allowable not only for the reasons stated above with regard to their respective base claims, but also for their own patentable features.

Since each of the independent claims has been placed in allowable form, Applicants respectfully request the timely allowance of this application.

If an extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Amendment, such extension is requested. If there are any other fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: October 24, 2002

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